

United States Bankruptcy Court

District of Delaware

Chambers of Judge Kevin Gross

824 N. Market Street, 6th floor

Wilmington, DE 19801

(302)252-2913

August, 24, 2016

via e-mail

Judith K. Fitzgerald, Esquire

Tucker Arensberg

1500 One PPG Place

Pittsburg, PA 15222

Re: Delaware Asbestos Cases

Dear Judi:

The asbestos cases¹ have all been assigned to me. Pending before me, in general terms, are the following matters:

- Motion of Honeywell International Inc. for Access to Rule 2019 Exhibits (the "Access Motion"), to which Ford Motor Company has joined.
- Objection of the North American Refractories Company Asbestos Personal Injury Settlement Trust Adversary Committee ("NARCO TAC") to the Access Motion, joined by others.
- Emergency Motion of NARCO TAC to, *inter alia*, Appoint Rule 2019 Expert and Referee (the "Referral Motion").
- Honeywell's Omnibus Objection to the Referral Motion.


It is the Referral Motion about which I write to you. There, NARCO TAC asks that I appoint you to serve as a Rule 2019 expert and referee to assist me in resolving the Access Motion. Honeywell, however, has posited that by your judicial role in the chapter 11 cases, you are "conflicted." NARCO TAC and Honeywell have reported that based on conversations with you or your staff, they are left with different impressions. NARCO TAC states they were told you are not conflicted and Honeywell states they were told that a conflict exists.

¹ Owens Corning (Case No. 00-3837), Armstrong World Industries, Inc. (Case No. 00-4471), W.R. Grace & Co. (Case No. 01-1139), USG Corp. (Case No. 01-2094), US Minerals Products Company (Case No. 01-2471), Kaiser Aluminum Corp. (Case No. 02-10429), ACandS, Inc. (Case No. 02-12687), Combustion Engineering, Inc. (Case No. 03-10495) and The Flintkote Company (Case No. 04-11300).

During a teleconference yesterday, I told the parties that I would write to you on the record to request that you respond in writing with your belief as to whether or not you are conflicted. Your answer, of course, will not control my decision on the Referral Motion but may be useful to me and, in any event, will make your position clear.

Therefore, please write to me at your earliest convenience with your answer to the conflict question. I look forward to hearing from you.

Sincerely,



Kevin Gross, U.S.B.J.